

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper ~~160~~ 31

Filed by: Merits Panel  
Mail Stop Interference  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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RICHARD R. BOTT and ANDREW SHAW

Junior Party  
(Patent 5,763,385)

v.

ALLEN SVENDSEN, HENRIK BISGARD-FRANTZEN,  
and TORBEN BORCHERT

Senior Party  
(Application 09/327,563)

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Patent Interference No. 105,206 (JTM)

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**Judgment - Request For Adverse - Bd.R. 127(b)**

Before TORCZON, LANE, and MOORE, *Administrative Patent Judges*

Bott has filed paper 165, which is a request for adverse judgment.

Upon consideration of the Request for Adverse Judgment, it is hereby:

**FAXED**

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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

**ORDERED** that judgment on priority as to Count 3 (Paper 154, page 4)<sup>1</sup> is awarded against Junior Party Richard R. Bott and Andrew Shaw.

**FURTHER ORDERED** that Junior Party Richard R. Bott and Andrew Shaw is not entitled to a patent containing Bott claims 1 through 28 (corresponding to Count 3)(Paper 155, page 2)<sup>2</sup>.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/327,563 and patent 5,763,385.

**FURTHER ORDERED** that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666] regarding the filing of settlement agreements.

/Richard Torczon/  
ADMINISTRATIVE PATENT JUDGE

/Sally Gardner Lane/  
ADMINISTRATIVE PATENT JUDGE

/James T. Moore/  
ADMINISTRATIVE PATENT JUDGE

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<sup>1</sup> Count 3 is “[a] composition of matter in accordance with any one of claims 192, 214, 215, 216, 217, or 218 of Svendsen application 09/327,563.”

<sup>2</sup> Paper 155 corrected the correspondence of Bott’s claims 1-28, omitted from Paper 154, as corresponding to Count 3.

cc (via fax):

Counsel for BOTT:

Samuel B. Abrams, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Tel: 212-326-3875  
Fax: 212-755-7306

Counsel for SVENDSEN:

John T. Callahan, Esq.  
Sughrue Mion, PLLC  
2100 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, D.C. 20037

Tel: 202-293-7060  
Fax: 202-293-7860